

Response to Restriction Requirement

Applicant confirms the telephonic restriction requirement made by Robert Andersen on August 20, 1998, electing Group I, claims 1-5 and 23-24. This election is made with traverse.

Rejections Under 35 U.S.C. §112(1)

Claim 23 stands rejected under 35 U.S.C. §112, first paragraph, because, according to the Official Action, while the specification is enabling for a fragment of SEQ ID NO:6, it is not enabling for a GDNF alpha 3 receptor characterized by SEQ ID NO:6. Applicant has amended claim 23 to more clearly define the present invention. Claim 23 as amended, recites, "an isolated polypeptide comprising the amino acid sequence as set forth in SEQ ID NO:6." The term, "characterized" is no longer present in the claim and the specification fully supports a polypeptide which comprises the sequence of SEQ ID NO:6. Withdrawal of rejection is respectfully requested.

Rejections Under 35 U.S.C. §112(2)

Claims 1-5 and 23 stand rejected under 35 U.S.C. §112, second paragraph for indefiniteness in recitation of percent identity. Applicant has amended the claims to further recite, "said identity being calculated using FASTA wherein the two sequences are aligned so that highest order match is obtained." The algorithm to be employed is a limitation of the claims of issue, and the parameters are sufficiently definite in recitation of "maximally aligned so that the highest order match...is obtained." Withdrawal of rejection is respectfully requested.

Claim 5 was deemed indefinite because, according to the Official Action, "a polypeptide is not a sequence, but a polypeptide can have the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:4." Applicant has amended claim 5 as suggested by the Examiner to recite, "An isolated polypeptide which has the amino acid sequence of either SEQ ID NO:2 or SEQ ID NO:4." Applicant asserts that the claim is sufficiently definite and withdrawal of rejection is respectfully requested.

Claim 23 was cited as indefinite in recitation of the term, "characterised." Applicant has amended claim 23 to more clearly define the present invention. Claim 23 as amended recites, "An isolated polypeptide comprising the amino acid sequence as set forth in SEQ ID NO:6". Applicant asserts that amended claim 23 is sufficiently definite as to the relationship between the polypeptide and the referenced amino acid sequence. Withdrawal of rejection is respectfully requested.

Rejections Under 35 U.S.C. §102(b)

Claim 23 stands rejected under 35 U.S.C. §102(b) as being anticipated by Jing et al. According to the Official Action, Jing's disclosure of retinal cell cultures that contain an isoform of GDNF alpha that are processed in the proteolytic enzyme papain anticipates claim 23 because Jing's process would inherently produce fragments that would match partial sequences of SEQ ID NO:6.

In response, Applicant asserts that claim 23, as amended, is not anticipated by Jing et al. As stated in the Official Action, Jing merely discloses fragments of sequences which correspond to portions of SEQ ID NO:6, and therefore, Jing's process would only produce fragments that would, at best, match partial sequences of SEQ ID NO:6. Because claim 23, as amended, does not claim fragments of SEQ ID NO:6, it is not anticipated by Jing et al. Withdrawal of rejection is respectfully requested.

Summary


Applicant acknowledges with appreciation Examiner's statement that claim 24 is in condition for allowance. In view of the foregoing amendments and remarks, Applicant contends that this application is in condition for allowance and respectfully request early and favorable notification to that effect.

Applicant reserves the right to prosecute, in one or more patent applications, the cancelled claims, the claims to non-elected inventions, the claims as originally filed, and any other claims supported by the specification. Any amendments made herein to the claims were made to solely expedite or otherwise facilitate prosecution and were not made, nor should they be construed

to have been made, to overcome any issue of unpatentability of the claims as they existed prior to such amendments, nor do such amendments limit the scope of equivalents of the claims.

If it would expedite prosecution of this application, the Examiner is invited to confer with Applicant's undersigned attorneys.

Respectfully Submitted,


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The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 19-2387 of any fees associated with this communication.

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December 28, 1998

